

Notice of Allowability

Application No.

10/646,049

Examiner

Y Quach Lee

Applicant(s)

PAUL, ERBY

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/8/04.
2. ☒ The allowed claim(s) is/are 7,8 and 10-20.
3. ☒ The drawings filed on 22 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

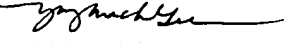
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/18/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Y Quach Lee
Primary Examiner
Art Unit 2875

Art Unit: 2875

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Anthony J Campbell on November 18, 2004.

In the Claims:

Claim 7. Lines 5 and 9, "." has been changed to --;--.

Line 10, "further comprising" has been changed to --and--.

Claim 8. Line 5, "." has been changed to --;--.

Line 6, "further comprising" has been deleted.

Line 8, "said side" has been changed to --one of said opposing sides--.

Claim 12. Line 3, "said opposing side" has been changed to --other of said opposing sides--.

Line 5, "said opposing side" has been changed to --other of said opposing sides--.

2. The following is an examiner's statement of reasons for allowance:

Claim 7 is allowed because the prior art whether individually or in combination does not teach a headband protrusion having opposing ends with one end attached to the middle of the vertical portion in combination with all other features as claimed in claim 7. Claim 8 is allowed because the prior art whether individually or in combination does not suggest a hollow pouch having an open end and opposing sides removably enclosing the light source with one of the opposing sides of the pouch attached to a middle of a belt in combination with all other features as claimed in claim 8. Claim 10 is allowed because the prior art whether individually or in combination does not suggest a hollow pouch having an open end and opposing sides with one of the opposing sides of the pouch attached to a middle of a belt, a light source removably enclosed by the pouch, a light transmitter having opposing ends with one end connected to the light source and the opposing end of the light transmitter connected to a lens assembly attached to the front of the headband. Claims 11 to 16 further limit claim 10 and as such are also allowed. Claim 17 is allowed because the prior art whether individually or in combination does not teach a belt having opposing ends and a middle attached to a clip, a light source removably connected to the middle


Art Unit: 2875

of the belt, the light source removably connected by one of the connectors to an end of a fiber optic cable, a lens assembly removably connected by one of the connectors to the opposing end of the fiber optic cable with the lens assembly attached to the front of the headband in combination with all other features as claimed in claim 17. Claims 18 to 20 further limit claim 17 and as such are also allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 703-308-2733.

Y. Q.
November 18, 2004


Y Quach Lee
Primary Examiner
Art Unit 2875